

### Remarks

The present application was filed February 1, 2002 with claims 1-32. A first Office Action (Paper No. 3) mailed October 3, 2003 rejected pending claims 1-32. In response, the Applicant has accordingly presented amendments to the specification and claims. The amendments to the specification amend the Summary of the Invention and the Abstract sections. The claims amendments cancel claims 3, 17 and 29 and amend claims 1, 7, 14, 15, 26 and 31. The amendments are proper, do not introduce new matter, and place the application in proper condition for reconsideration and allowance.

The status of the claims is as follows:

<u>Claim</u>	<u>Status</u>
1. (Amended)	Independent.
2. (Original)	Depends from claim 1.
3. (Cancelled)	
4. (Original)	Depends from claim 1.
5. (Original)	Depends from claim 1.
6. (Original)	Depends from claim 1.
7. (Amended)	Depends from claim 6.
8. (Original)	Depends from claim 1.
9. (Original)	Depends from claim 1.
10. (Original)	Depends from claim 9.
11. (Original)	Depends from claim 1.
12. (Original)	Depends from claim 11.
13. (Original)	Depends from claim 12.
14. (Amended)	Independent.
15. (Amended)	Independent.
16. (Original)	Depends from claim 15.
17. (Cancelled)	
18. (Original)	Depends from claim 17.
19. (Original)	Depends from claim 15.
20. (Original)	Depends from claim 15.
21. (Original)	Depends from claim 20.
22. (Original)	Depends from claim 15.
23. (Original)	Depends from claim 15.
24. (Original)	Depends from claim 23.
25. (Original)	Depends from claim 15.

26. (Amended)	Independent.
27. (Original)	Depends from claim 26.
28. (Original)	Depends from claim 27.
29. (Cancelled)	
30. (Original)	Depends from claim 26.
31. (Amended)	Depends from claim 26.
32. (Original)	Depends from claim 31.

### **Rejection of Claims 26-32 Under 35 U.S.C. 112**

The first Office Action rejected claims 26-32 as indefinite under 35 U.S.C. 112. The Applicant has herein amended the claims and submits that the rejection no longer stands.

### **Rejection of Claims Under 35 U.S.C. 102(b)**

The first Office Action rejected claims 1, 4-6, 9, 10, 14-20, and 25 as being anticipated by United States Pat. No. 3,292,967 issued to Peek ("Peek '967"). This rejection and all subsequent rejections under 35 U.S.C. 102(b) in the first Office Action are respectfully traversed.

Peek '967 does not include all the limitations claimed by the Applicant as originally filed or as amended. Specifically, Peek '967 does not include a ramp assembly that can be moved "from a substantially vertical raised position" as claimed in claims 1 and 15. Instead, Peek '967 discloses a ramp that is horizontal when it is in a raised position.

Peek '967 also does not include a "cleaning chute angularly disposed to the ramp floor" as claimed in claim 1 and 15. Peek '967 merely shows a small incidental gap at the junction of the hinge and the floor that does not appear suitable to rid debris from the trailer. Even if the gap was large enough to be used as a cleaning chute, the risk of livestock stepping through the gap would be a serious hindrance to the use contemplated by Peek '967.

The Applicant has reworded claim 14, and Peek '967 does not anticipate claim 14 as amended. Specifically, Peek '967 does not include a "means for selectively permitting the movement of livestock from the loading portion to the cargo portion, for storing livestock, for separating the cargo portion from the loading portion in a substantially vertical position, and for removing debris while in a substantially vertical position." The relevant portion of Peek '967 is unable to be positioned in a vertical position for separating, removing, or any other function. The Applicant respectfully submits that rejection of claims 1, 4-6, 9, 10, 14-20, and 25 cannot stand.

The first Office Action rejected claims 1-4, 11-18 and 23-25 as being anticipated by United States Pat. No. 4,786,222 issued to Blodgett ("Blodgett '222"). Blodgett '222 does not disclose a ramp assembly that can be moved "from a substantially vertical raised position" nor does it disclose a "cleaning chute angularly disposed to the ramp floor" as claimed in claim 1 and 15. Blodgett '222 also lacks similar limitations included in Applicant's claim 14 as amended. Without these limitations in Blodgett '222, the rejection is not proper and should be withdrawn.

Claims 1, 4, 6-8, 14, 15, 17, 18 and 20-22 were rejected in the first Office Action as being anticipated by United States Pat. No. 5,490,754 issued to Voelzke ("Voelzke '754"). Several limitations of the Applicant's claims are not present in Voelzke '754. For example, Voelzke '754 does not disclose "a ramp assembly connected to the cargo floor" as in Applicant's claim 1. Voelzke '754 also does not disclose "a ramp assembly hinge attached proximate the cargo floor" or the "upper level" as in claims 1 and 15. Even though the hinge mechanism disclosed in Voelzke '754 is sometimes "proximate" the "cargo floor" during operation, the hinge mechanism moves relative to the cargo floor, is not disposed proximate the cargo floor and is therefore not "attached proximate the cargo floor."

Voelzke '754 also does not disclose pivotal movement of a ramp assembly "from a substantially vertical raised position" or a "cleaning chute angularly disposed to the ramp floor." Instead, Voelzke '754 discloses a ramp floor that never accomplishes a vertical position, and an incidental gap that is not angularly disposed to the ramp floor. Voelzke '754 also lacks similar limitations included in Applicant's claim 14 as amended. Omission of these limitations in Voelzke '754 suggests that the rejection is not proper, and should also be withdrawn.

Claims 15-19 and 22 were rejected as being anticipated by United States Pat. No. 4,329,752 issued to Forrest ("Forrest '752"). As with Voelzke '754 discussed above, Forrest '752 also omits limitations claimed by the Applicant in claim 15. Specifically, Forrest '752 does not disclose "a ramp assembly hinge attached proximate the cargo floor," pivotal movement of a ramp assembly "from a substantially vertical raised position" or a "cleaning chute angularly disposed to the ramp floor." For the same reasons that rejection over Voelzke '754 is not proper, rejection over Forrest '752 also is improper and should be withdrawn.

The first Office Action rejected claims 15-17 and 20-22 as being anticipated by United States Patent No. 2,792,135 issued to Wood ("Wood '135"). However, Wood '135 does not disclose a

“ramp assembly hinge attached proximate the upper level” as claimed by the Applicant in claim 15. Instead, Wood ‘135 discloses a tailgate 16 with an attached hinge (the linkage shown in FIG. 4) that is not “attached proximate the upper level.” The Applicant requests that this rejection also be withdrawn.

Claims 14-19 were rejected in the first Office Action as being anticipated by United States Pat. No. 3,977,545 issued to Lloyd ("Lloyd ‘545"). Claim 14 of the present invention discloses a “loading portion,” a feature that is not disclosed in Lloyd ‘545, unless the ground 34 is interpreted as a portion of the Lloyd apparatus. This result is untenable.

Similarly, Lloyd ‘545 does not disclose a means “for storing livestock, for separating the cargo portion from the loading portion in a substantially vertical position, and for removing debris while in a substantially vertical position” as claimed in claim 14. Since none of these limitations are disclosed in Lloyd ‘545, the rejection is not proper and should be withdrawn.

Lloyd ‘545 also does not disclose all the limitations claimed by the Applicant in claim 15. For example, Lloyd ‘545 does not disclose a ramp assembly configured to move about a hinge “from a substantially vertical position to a lowered position.” Lloyd ‘545 also lacks a “cleaning chute angularly disposed to the ramp floor.” Since these limitations are not present in Lloyd ‘545, the rejection should be withdrawn.

The Office Action rejected claims 15-17 and 23-25 as being anticipated by United States Pat. No. 5,306,113 issued to Mann ("Mann ‘113"). As an example of missing limitations between Mann ‘113 and claim 15 of the present invention, Mann ‘113 does not disclose a ramp assembly “configured for pivotal movement about the ramp assembly hinge from a substantially vertical raised position.” Although Mann ‘113 does disclose a segment (5) of a ramp assembly that can apparently reach a vertical position, this segment is not “attached proximate the upper level.”

Also, Mann ‘113 does not disclose a “cleaning chute angularly disposed to the ramp floor” as claimed by the Applicant in amended claim 15. Instead, the holes characterized as cleaning chutes in the Office Action are co-planar with the ramp floor. These rejections should also be withdrawn on this basis.

#### **Rejection of Claims Under 35 U.S.C. 103(a)**

The Office Action rejected claims 1, 4, 9, 10, and 15-18 as being unpatentable over United

States Pat. No. 3,796,457 issued to Hinchliff ("Hinchliff '457") in view of Lloyd '545. This rejection is respectfully traversed.

Neither reference cited in the Office Action for this rejection discloses "a cleaning chute angularly disposed to the ramp floor" as taught by the Applicant. At best, combination of Hinchliff '457 and Lloyd '545 would result in a ramp floor with co-planar holes. This result cannot be fairly used to make obvious the Applicant's cleaning chute, and the rejection should be withdrawn.

The Office Action also rejected claims 26, 27, 31 and 32 as being unpatentable over Hinchliff '457 in view of Blodgett '222. This rejection is also respectfully traversed.


Independent claim 26 has been amended, and the cited references do not disclose all limitations of claim 26 in its original form or as amended. Neither reference contemplates loading or unloading livestock or any other cargo to or from an elevated dock. Instead, both references teach cargo loading at a ground level and have no provision for loading or unloading at any other level. Also, neither reference teaches "cleaning the ramp assembly by raising the ramp assembly to expose a cleaning chute angularly disposed to the ramp floor." Combination of these references cannot result in the claims of the Applicant. Without these limitations present in any of the cited prior art references, rejection under 35 U.S.C. 103(a) is not proper and should be withdrawn.

Rejection of claim 29 has been obviated by the Applicant's cancellation of the claim 29.

Rejection of claim 30, a dependent of claim 26, is believed to have been obviated by the arguments related to claim 26 above. The prior art references do not teach all limitations of claim 26, and the rejection of claim 30 should be similarly dropped.

This is intended to be a complete response to the final Office Action mailed October 3, 2003. The Applicant respectfully requests that the amendments be entered, the rejections be withdrawn, and the application be allowed. The Examiner is invited to contact the attorneys listed below should any questions arise concerning this response.

Respectfully submitted,

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